

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

NELLIE BROWNLEE, ET AL.	PLAINTIFFS
VS.	CAUSE NO. 2:99CV00212 GH
COOPER TIRE & RUBBER COMPANY	DEFENDANT
DONALD W. WHITAKER	PLAINTIFF
VS.	CAUSE NO. 2:99CV00220 GH
COOPER TIRE & RUBBER COMPANY	DEFENDANT
VS.	
ESTATE OF SCHARLOTTE A. HERVEY	THIRD-PARTY DEFENDANT

MOTION FOR SANCTIONS

NOW INTO COURT, through undersigned counsel, comes Cooper Tire & Rubber Company ("Cooper Tire"), and respectfully requests that, for the reasons contained in the attached memorandum in support, this Court enter an order finding that co-counsel for plaintiffs in the captioned matter, Bruce V. Kaster ("Kaster"), violated prior Orders of this court and holding Kaster in contempt of court for failing to honor this Court's explicit Seal Orders, which were subsequently adopted by the United States District Court for the Northern District of Mississippi, Western Division, in the matter entitled *Cooper Tire & Rubber Co. v. John Booth Farese, et al.*, 3:02cv210-P-A. (the "Mississippi Case").

Cooper Tire respectfully requests an Order of this Court declaring that co-counsel for plaintiffs, Bruce V. Kaster, willfully violated this Court's prior Orders by failing to file documents under seal in the Mississippi litigation, holding Kaster in contempt of Court, and awarding

appropriate sanctions for Kaster's violation of this Court's express orders. Cooper Tire respectfully submits that sanctions should include all costs and attorneys' fees associated with this motion and Cooper Tire's additional efforts undertaken in the Mississippi Court and Fifth Circuit Court of Appeals to enforce compliance with this Court's Orders.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon:

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by first class mail this 6th day of February, 2007.

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